THE HONOURABLE SRI JUSTICE D.S.R. VARMA

W.P.No. 626 OF 2006

ORAL ORDER:

1. The grievance of the petitioner is that his application seeking regularisation of the assigned land in which he has been in possession on payment of market value as decided by the Government has been rejected on the ground that there was no permission from the Pollution Control Board.

2. It appears that in the land in which the petitioner has been in possession there was a stone crusher and by virtue of the presence of which permission of the Pollution Control Board has been sought for. It further appears that the said authority had sent a report stating that the said Stone Crusher is lying defunct since 1999 and therefore when stone crusher is not in operation, that will not hamper the cultivation in the land or cause any inconvenience to the general public around.

3 . The learned counsel appearing for the petitioner further contends that the petitioner sought permission to assign the land for floriculture. Hence, it is contended that if really stone crushing operation is still going on, floriculture cannot be taken up

at all. This is something absurd. Therefore, he contends that the rejection on the part of the respondents for assigning the land for market value on the ground that there was no permission from the Pollution Control Board would indicate non-application of mind.

4. Therefore and however the petitioner shall make an application to the Government for fresh consideration and upon such representation or application, the respondents shall consider the same afresh and uninfluenced by the earlier orders passed by it particularly taking into account the report of the Pollution Control Board which stated that the stone crusher has been lying idle for the past several years and the very purpose of assignment of land is for floriculture.

5. With the above observations and directions, the writ petition is disposed of. Consequently, the proceedings dated: 9.12.2005 issued by the 1st respondent have been set aside.

_____

D.S.R. VARMA ,J

11th January, 2006.

N.B.

Operative portion by

Wire at party's costs.

B.O.

CHV/CVRK

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE D.S.R. VARMA

W.P.No. 626 of 2006

11th January, 2006.

Between:

V. Venkataramana Raju

…Petitioner

A N D

The State of Andhra Pradesh rep. By its Principal Secretary to Government,. Revenue Department, Secretariate Buildings, Hyderabad & others. …Respondents

THE HONOURABLE SRI JUSTICE D.S.R. VARMA

W.P.No. 626 OF 2006

11.1.2006